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BEFORE THE
BOARD OF VOCATIONAL NURSING
AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Citation
Against:

Citation No. 09-0064-L

ANGELA COMMONDORE
4507 W. Artensia Blvd., #104-124
Lawndale, CA 90260

OAH No. 2010041079

Vocational Nurse License No.
VN 199852

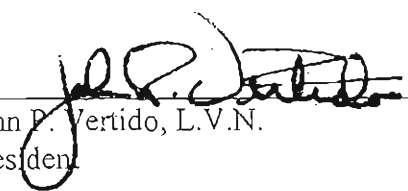
Appellant.

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Vocational Nursing and Psychiatric Technicians as the Final Decision in the above entitled matter.

This Decision shall become effective on January 13, 2011.

IT IS SO ORDERED this 14th day of December, 2010.


John P. Vertido, L.V.N.
President

BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Citation Against:

ANGELA COMMODORE
Vocational Nurse License
Number VN 199852,

Respondent.

Case No. CIT090064-L

OAH No. 2010041079

PROPOSED DECISION

Jennifer M. Russell, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter in Los Angeles, California on September 27, 2010.

Michael W. Valentine, Deputy Attorney General, represented complainant.

Respondent Angela Commodore failed to appear although she requested an administrative hearing in accordance with the California Administrative Procedures Act after she was properly served with a Citation. Respondent was given notice of the time and place for hearing as required by law. The matter proceeded by default.

The jurisdictional documents were presented, official notice taken, and oral and documentary evidence were received. The matter having been submitted, the Administrative Law Judge makes the following Proposed Decision.

FACTUAL FINDINGS

1. Teresa Bello-Jones, J.D., M.S.N., R.N., issued Citation 09-0064-L to respondent while acting in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians (Board), Department of Consumer Affairs, State of California.

2. On May 31, 2002, the Board issued Vocational Nurse License Number VN 199852 to respondent. It expired on March 31, 2008. Between April 2008 and December 2008, respondent practiced as a licensed vocational nurse at Memorial Hospital of Gardena without a valid license authorizing such practice. As a result, on April 3, 2009, the Board issued Citation 09-0064-L for violation of Business and Professions Code sections 2878, subdivision (j) (commission of act involving dishonesty), and 2885 (unlicensed practice as a vocational nurse). Respondent was ordered to pay an administrative fine in the amount of \$1,001.

3. By letter dated September 20, 2010, respondent wrote the Deputy Attorney General indicating that she had “no plans to challenge the citation” She, however, “plan[ned] to present mitigating circumstances for the courts consideration.” In an undated letter to the Board, respondent claimed she believed she downloaded license renewal forms from the Board’s website, and completed and submitted the forms by mail to the Board. She claimed she was not aware that she was unlicensed until her supervisor brought her unlicensed status to her attention.

4. Respondent’s explanation does not negate the fact that she practiced as a licensed vocational nurse without authorization to do so from April 2008 to December 2008. It does negate allegations of her dishonesty; however, since she did not appear at hearing to testify under oath, there is no direct evidence of mitigation.

LEGAL CONCLUSIONS

1. Business and Professions Code section 125.9, which authorizes the Board’s issuance of citations, provides in pertinent part as follows:

. . . any board . . . may establish, by regulation, a system for the issuance to a licensee of a citation which may contain an order of abatement or an order to pay an administrative fine assessed by the board . . . where the licensee is in violation of the applicable licensing act or any regulation adopted pursuant thereto.

2. Business and Professions Code section 2875 provides for the discipline of any holder of a vocational nurse license.

Every licensee may be disciplined as provided in this article. The proceedings under this article shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

3. Business and Professions Code section 2878, subdivision (j) provides that the board may suspend or revoke a vocational nurse license for committing any act involving dishonesty.

4. Business and Professions Code section 2885 provides in pertinent part as follows:

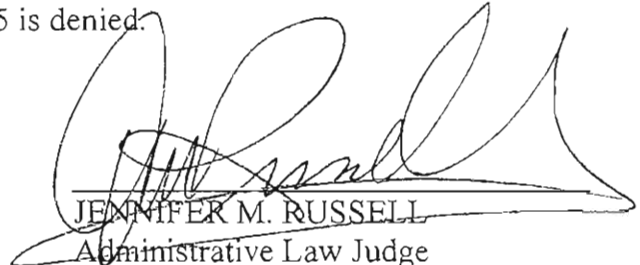
It is unlawful for any person or persons not licensed . . . to impersonate in any manner or pretend to be a licensed vocational nurse, or to use the title “Licensed Vocational Nurse,” the “L.V.N.,” or any other name, word or symbol in connection with or following his name so as to lead another or others to believe that he is a licensed vocational nurse.

5. Cause exists to sustain Citation 09-0064-L by reason of Factual Findings 2 through 4, inclusive, and Legal Conclusions 1 through 4, inclusive.

ORDER

Respondent's appeal of Citation 09-0064-L for violation of Business and Professions Code sections 2878, subdivision (j), and 2885 is denied.

DATED: October 27, 2010



JENNIFER M. RUSSELL
Administrative Law Judge
Office of Administrative Law